

UNITED STATES DISTRICT COURT
 for the
 District of New Mexico

In the Matter of the Search of Case No. **21 MR 664**
(Briefly describe the property to be searched or identify the person by name and address)
 Richard Schuyler Kuykendall, aka: "Sky Kuykendall,")
 an inmate at the Metropolitan Detention Center in)
 Albuquerque, New Mexico)

FILED
 United States District Court
 Albuquerque, New Mexico

Mitchell R. Elfers
 Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):
 Richard Schuyler Kuykendall, aka: "Sky Kuykendall," an inmate at the Bernalillo County Metropolitan Detention Center (MDC) in Albuquerque, New Mexico.

located in the _____ District of New Mexico , there is now concealed (*identify the person or describe the property to be seized*):

The FBI will collect two DNA samples from Mr. Kuykendall via buccal swab and photograph his tattoos.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 United States Code Sections 922(g)(1), (g)(9), 924, and 1959.	Prohibited person in possession of a firearm/ammunition and violent crimes in aid of racketeering.

The application is based on these facts:

Refer to the attached 11-page affidavit by FBI Special Agent Bryan Acee

- Continued on the attached sheet.
- Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

Bryan Acee, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone _____ (*specify reliable electronic means*).

Date: May 16, 2021


 Judge's signature

John F. Robbenhaar, United States Magistrate Judge

Printed name and title

City and state: Albuquerque, New Mexico

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

Introduction and Agent Background

1. I, Bryan Acee, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of **RICHARD SCHUYLER KUYKENDALL**, aka: "**SKY KUYKENDALL**," (hereinafter KUYKENDALL) to collect Deoxyribonucleic Acid (DNA) samples by way of a buccal swabs, and to photograph KUYKENDALL for tattoos evidencing membership or association with the Aryan Brotherhood prison gang. KUYKENDALL is currently in-custody at the Bernalillo County Metropolitan Detention Center (MDC) on a federal arrest warrant for being a prohibited person in possession of a firearm and ammunition, United States District of New Mexico Case No. 21MJ653.

2. I am a Special Agent with the FBI have been a sworn law enforcement officer for 21 years, serving as a police officer, detective, task force officer, and Special Agent. I have been with the FBI since 2009 and am currently assigned to the Albuquerque Violent Crime Gang Task Force (VCGTF),¹ where I primarily investigate prison and street gangs, violent repeat offenders, and violations of federal drug and firearm related crimes. Over the course of my career, I have specialized in the investigation of drug trafficking organizations, street and prison gangs, and violent crimes. I served as the lead FBI case agent in the government's 2010-2014 Continuing Criminal Enterprise Drug Kingpin Act case against the Juarez Cartel, which resulted in extensive seizures of controlled substances, currency, firearms, and the indictment of multiple cartel leaders.

3. I am the lead case agent in the government's 2015-2021 gang-racketeering case against the New Mexico Syndicate (otherwise known as the "Sindicato Nuevo Mexico" or "SNM")

¹ The VCGTF is an FBI-sponsored task force comprised of investigators from the FBI, Drug Enforcement Administration, New Mexico State Police, Albuquerque Police Department, Bernalillo County Sheriff's Office and Valencia County Sheriff's Office.

prison gang, which encompasses substantial drug trafficking activities, firearm-related offenses, and numerous homicides. To date, more than 150 SNM members and associates have been arrested and ten (10) cold case homicides were charged as federal racketeering murders. The investigation remains active and I anticipate charging additional suspects with murder in aid of racketeering.

4. Over the past 21-years, I have primarily worked investigations pertaining to gangs and drug trafficking organizations (DTOs). I have interviewed hundreds of gang members and drug traffickers about the various aspects of their criminal activities. I have developed and managed numerous informants who have been members of gangs or DTOs and monitored dozens of wiretaps and electronic surveillance recordings targeting gang members or drug distributors. I have also worked in an undercover capacity to infiltrate such criminal organizations.

5. I have received hundreds of hours of formal training in the area of gang, drug, and organized crime investigations from federal, state, and local law enforcement agencies. I've participated in hundreds of investigations pertaining to drug distribution, money laundering, firearms trafficking, gangs and criminal enterprises. My investigative experience includes: conducting surveillance; interviewing subjects, targets and witnesses; drafting and executing search and arrest warrants; acting in an undercover capacity; supervising cooperating sources; managing undercover agents; issuing subpoenas; analyzing phone records, financial records, telephone tolls, and Title III and consensual wiretap investigations. Through my training and experience, I am familiar with the methods and means used by individuals, DTOs, gangs, and criminal enterprises to distribute controlled substances. I am also familiar with how those individuals and organizations hide the often substantial profits generated from their criminal activities.

6. I have qualified in several state courts as an expert witness on drug trafficking and possession of drugs with intent to distribute. I have qualified in federal court as an expert on drug distribution, firearms, ammunition, interstate nexus, and the Juarez Cartel. I am an FBI subject matter expert on gangs and the Juarez Cartel.

7. I have served as an adjunct professor; law enforcement instructor; and presenter on drug and gang investigations at the California Highway Patrol, Los Angeles Police Department, New Mexico State Police and Bernalillo County Sheriff's Office Academies; as well as at training classes and seminars for the Organized Crime Drug Enforcement Task Force, International Outlaw Motorcycle Gang Investigator's Association, California Narcotic Officer's Association, California Gang Investigator's Association, New Mexico Gang Task Force, New Mexico State University, and University of New Mexico.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

8. On May 14, 2021, United States Magistrate Judge B. Paul Briones authorized a criminal complaint and arrest warrant charging KUYKENDALL with violation of 18 U.S.C. §§ 922(g)(1), (g)(9) and 924 – prohibited person in possession of a firearm and ammunition, Case No. 21MJ653. The charges stem from a shooting incident in Albuquerque on May 12, 2021, in which three men were killed. I believe KUYKENDALL possessed a firearm and ammunition which were utilized in the shooting incident. The facts and circumstances supporting my belief are as follows:

The Triple Homicide

9. The following incident occurred on May 12, 2021, at about 2:40 p.m., in the alley behind 2401 San Pedro Drive NE, Albuquerque, New Mexico. The incident was captured on a commercial surveillance camera located to the south west of the alleyway.

10. KUYKENDALL walked westbound in the alley, dressed in a white shirt, blue jeans and a black face mask. As a dark colored Chevrolet Malibu approached from behind, KUYKENDALL stepped off to the side and the Chevy stopped next to him. KUYKENDALL attempted to enter the Chevy via the rear passenger door. A person inside the vehicle fired several shots at KUYKENDALL, which can be seen striking a cinder block wall behind KUYKENDALL. KUYKENDALL ducked and maintained a low center of gravity as he ran around the front of the vehicle. Meanwhile several shots are observed being fired within the car and exiting the front windshield area. As shots exited the front of the car, KUYKENDALL maneuvered to the rear driver side door. KUYKENDALL quickly looked into the window and then darted rearward. A moment later KUYKENDALL opened the rear door and quickly peaked in a second time before he jumped back. KUYKENDALL then jumped into the rear of the Chevy and closed the door, shutting himself inside. A few seconds later KUYKENDALL exited the rear of the car through the same door and walked toward a nearby dumpster. KUYKENDALL remained next to the dumpster for approximately nine seconds and then went back to the car. After several seconds of standing in the open driver doorway and possibly moving a person or objects inside the car, KUYKENDALL got into the driver's seat, on top of the driver, and drove the vehicle to the Presbyterian Kaseman hospital, located 2.6 miles away.

11. APD officers responded to the alleyway, as a citizen had reported hearing gunshots and seeing a man near the dumpster before he entered the bullet riddled Chevrolet. Officers searched the dumpster area and located a Beretta model APX 9mm pistol on the side of the dumpster. APD related to me that the dumpster had recently been emptied, as there were only two commercial trash bags inside the dumpster. Both trash bags contained garbage from an adjacent

restaurant. KUYKENDALL loitered next to the trash dumpster immediately after the shooting and I believe KUYKENDALL stashed the pistol there before he fled the scene.

Arrival at the Presbyterian Kaseman Hospital

12. A few minutes after departing the alley behind 2401 San Pedro Drive NE, Albuquerque, KUYKENDALL arrived at the Presbyterian Kaseman hospital. Surveillance footage, which I have viewed, depicted KUYKENDALL approach the hospital entrance. KUYKENDALL removed his shirt and several of his tattoos are clearly recognizable, to include a large letter B on his left shoulder and an iron cross on his right breast. I am aware KUYKENDALL has a tattoo with the word Boston across his abdomen and portions of the tattoo can be seen in the video. KUYKENDALL told a security officer that there were three dead guys in the Chevy, which he motioned toward. KUYKENDALL paced around briefly and then fled the scene.

13. KUYKENDALL was observed on a nearby commercial surveillance video, as he fled from the hospital. His shirt was still off and several of his tattoos were clearly visible in the video.

14. APD officers responded to the hospital and found three men inside the vehicle. BT was in the driver's seat, JF was in the front passenger seat, and MS was in the rear seat. All three men were subsequently declared deceased. The vehicle was riddled with bullet holes. A loaded pistol was found under the driver's seat. An empty pistol, in a locked-back position, was found on the back seat near MS. Several spent bullet casings were located within the vehicle and other casings were found around the vehicle, which were likely expelled from the vehicle when the victims were pulled from the car by medical personnel. At least one spent casing was observed to be a 9mm.

The Arrest and Interview of Kuykendall

15. On May 14, 2021, APD detectives determined KUYKENDALL was inside a residence at 816 Eastridge Drive NE, Albuquerque. Detectives obtained a warrant to search the premises for KUYKENDALL, based on the fact he was wanted on the aforementioned FBI warrant. The APD Special Weapons and Tactics (SWAT) team surrounded the location and utilized a loud speaker to direct KUYKENDALL and any other occupants to exit the residence. Police officers repeated the commands for several minutes; however, KUYKENDALL failed to exit the home. SWAT officers subsequently deployed non-lethal CS gas into the residence and KUYKENDALL exited the premises. KUYKENDALL was taken into custody and detectives conducted a post-Miranda interview of KUYKENDALL. I was informed by APD personnel that KUYKENDALL admitted to stashing the pistol on the dumpster, in the alley, after the shooting. KUYKENDALL related to detectives that he had been in the alley prior to the shooting to meet with the three men to sell them drugs. I understand KUYKENDALL may have been unclear as to why the shooting started or any motive behind the violent incident. At some point later in the interview, KUYKENDALL requested an attorney and the interview was terminated. I have not yet reviewed the recorded interview of KUYKENDALL.

The Aryan Brotherhood Gang Connection

16. I have consulted with gang officers at the Bernalillo County Metropolitan Detention Center (MDC) and learned victims BT, JF, and MS were all validated members of the Aryan Brotherhood prison gang. I have viewed photographs of KUYKENDALL's tattoos and noted several of them to be synonymous with the AB, to include a Shamrock, Viking warrior, lighting bolt, and "White Boy" tattoos. I have never observed KUYKENDALL tattoos in person.

17. I am familiar with the AB, to include their methods of recruitment, retention, discipline, communications, rules, and modus operandi. The AB is a nationwide prison gang that strive to control drug distribution and other illegal activity within state and federal prisons. The AB was founded in 1964 at the San Quentin State Prison in California and formed by white inmates during the implementation of prison desegregation. The AB consolidated power among several white prison cliques and by the 1970s the AB had spread to state and federal prisons throughout the U.S. According to the Southern Poverty Law Center, the AB has approximately 20,000 members both in and out of prison and is a notorious organization whose members at one time made up less than one tenth of 1% of the U.S. prison inmate population, but were responsible for 18% of all prison murders.

18. I am aware members of the AB refer to themselves as “The Brand,” share common signs and symbols including the initials “AB,” the numbers “666,” and three leaf shamrocks. They also use Nazi symbols including swastikas and SS lightning bolts.

19. I am aware AB membership extends beyond the prison and members on the street are required to remain loyal to the AB and to work to further the goals of the AB while in the community. The AB enforces its rules and promotes discipline among its members and associates by murdering, attempting to murder, conspiring to murder, assaulting, and threatening those who violate the enterprise’s rules or pose a threat to the enterprise. The AB also uses murder and the threat of murder to maintain a position of power within the prison and jail systems. Inmates and others who do not follow the orders of the AB are subject to being murdered, as is anyone who uses violence against an AB member. Inmates who cooperate with law enforcement authorities are also subject to being murdered.

20. Members are required to follow all orders of higher ranking members. In particular, members are required, when ordered, to kill without hesitation. They are also required to give false testimony in court on behalf of other members. Members who do not fulfill their obligations to the AB are subject to being murdered.

21. In addition to members, the enterprise includes those closely affiliated with the AB, who are called “associates.” Associates are required to follow the orders of AB members. Associates who do not fulfill their obligations to the AB are subject to being murdered. Both members and associates of the AB are participants in the AB criminal enterprise. The purposes of the AB criminal enterprise include, but are not limited to, the following: (a) controlling illegal activities, such as narcotics trafficking, gambling, and extortion, within state and federal prison systems; (b) preserving, protecting, and expanding the power of the AB through the use of intimidation, violence, threats of violence, assaults, and murders and (c) promoting and enhancing the AB and the activities of its members and associates.

22. Dozens of AB members have been prosecuted for committing violent crimes in aid of racketeering in recent years around the country, to include within the District of New Mexico.² I believe KUYKENDALL may have been part of a conspiracy to assault or kill someone inside the vehicle. I suspect the meeting between KUYKENDALL and the three men in the vehicle was planned; however, I do not think the co-conspirators expected gunfire to erupt as KUYKENDALL opened the rear passenger door. Based on the gang affiliation of the three deceased men, as well as KUYKENDALL’s association to the men, I suspect the homicides were gang related.

² U.S. vs. Owen Pucket Jr., aka: “Outlaw,” et. al., District of New Mexico Case No. 07-766-WJ

Significance of AB Gang Tattoos

23. I am aware AB members have distinct tattoos that represent their dedication to the AB criminal enterprise and distinguish themselves among other gang members and inmates. The members display these tattoos to gain respect within the enterprise and to intimidate non-members. The AB is a prison gang and the majority of AB members participated in lower-ranking street gangs or prison-based disruptive groups prior to becoming full-fledged members of the AB. I am aware some of the gangs that support the AB have idiosyncratic tattoos similar to the AB. Some of the support gangs include: Nazi Low Riders (NLR), Public Enemy Number One (PENI), Dirty White Boys, Crazy White Boys, Hammer Skins, Peckerwoods, and similar skinhead and white power street gangs.

24. The AB has a reputation among other gangs as being extremely violent and “down” to assault or kill on a moment’s notice. As such, members of the AB are able to display their affiliation with the gang as a hedge of protection.

25. I am aware that some of the tattoos evidencing membership in or association with the AB include, but are not limited to: the words “Aryan,” “Brotherhood,” “White,” “White Boy,” “White Pride,” “Peckerwood,” “Wood,” the initials “AB,” the numbers “1, 2,” “666,” images of the Nazi SS lightning bolts, swastikas, three leaf shamrocks, and similar phrases or images.

26. Sample tattoos tending to show membership or association with the AB:



DNA Collection and Testing

27. The firearms and ammunition collected from the trash dumpster and Chevrolet sedan were collected by APD and submitted to the crime laboratory for examination. As such, I would like to collect DNA samples from KUYKENDALL to be utilized in the examination of the evidence collected in this matter.

28. As previously mentioned, KUYKENDALL is currently in custody at MDC on federal firearms charges. I anticipate transferring KUYKENDALL from MDC to the federal courthouse in Albuquerque on Monday, May 17, 2021.

CONCLUSION

29. Based on the aforementioned information, I believe probable cause exists to search KUYKENDALL's person for tattoos and to collect DNA samples by buccal swabs. I believe such evidence to be relevant to the pending federal firearms charges against KUYKENDALL, as well as potential violations of federal drug distribution and violent crimes in aid of racketeering statutes.

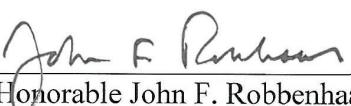
This affidavit was reviewed by Assistant United States Attorney Jaymie Roybal.

Respectfully submitted,



Bryan Acee
Special Agent
Federal Bureau of Investigation

Electronically submitted and telephonically sworn to me on May 16, 2021.



The Honorable John F. Robbenhaar
United States Magistrate Judge
District of New Mexico